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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,253	06/02/2006	Chiaki Nonaka	112857-543	5762

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BELL, BOYD & LLOYD, LLP
P. O. BOX 1135
CHICAGO, IL 60690

EXAMINER	
NGUYEN, LINH THI	

ART UNIT	PAPER NUMBER
2627	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/595,253	NONAKA ET AL.	
	Examiner	Art Unit	
	LINH T. NGUYEN	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 March 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/11/07, 6/6/06, 3/30/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 16 and 17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 16 and 17 are drawn to a "program" *per se* as recited in the preamble and as such is non-statutory subject matter. See MPEP § 2106.IV.B.1.a. Data structures not claimed as embodied in computer readable media are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention, which permit the data structure's functionality to be realized. In contrast, a claimed computer readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory. Similarly, computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and

other claimed elements of a computer, which permit the computer program's functionality to be realized.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikawa (US Publication Number 20020097645) in view of Osawa (JP Publication Number 2001176189).

In regards to claims 1, 12, 13, 16, and 17, Mikawa discloses a recording medium managing apparatus comprising: recording medium readout means for reading out recording information from a first area on a loaded recording medium (Fig. 4, element 109); identification information supplying means for supplying identification information (Fig. 4, element 115);and management information storing means for storing management information linking identification information recorded in the second area and attribute information for content items of the recording medium recording the identification information (Figs. 5-6), wherein the recording medium readout means (Fig. 4, element 109) updates management information of the management information storing means by reading out the identification information from the second area and reading out the attribute information from a third area on the recording medium when

the recording information indicates that the second area is used for recording (Fig. 5, Step 509 or 515 update the database; Paragraphs [0099] and [0100]). However, Mikawa does not disclose a recording medium writing means for prohibiting writing the identification information in a second area on the recording medium when first recording information indicates that the second area is used for recording and for writing the identification information in the second area and writing second recording information indicating that the second area is used for recording in the first area when the first recording information indicates that the second area is not used for recording.

In the same field of endeavor, Osawa discloses a recording medium writing means for prohibiting writing the identification information in a second area on the recording medium when first recording information indicates that the second area is used for recording (Fig. 8, step 51 and 59; Paragraph [0088]) and for writing the identification information in the second area and writing second recording information indicating that the second area is used for recording in the first area when the first recording information indicates that the second area is not used for recording (Fig. 8, Steps 51 and 52; Paragraph [0099]). At the time of the invention it would have been obvious to a person of ordinary skill to combine the recording medium management apparatus of Mikawa to prohibit the writing of ID information if one is already recorded as suggested by Osawa. The motivation for doing so would have been to prevent illegal copying on the medium.

In regards to claim 2, Mikawa discloses the recording medium managing apparatus according to claim 1, wherein, the identification information supplying means

(Fig. 4, element 109) includes apparatus information storing means for storing apparatus information unique to the recording medium managing apparatus (Fig. 4, element 100 management device had the ID store in the HDD 409) and counting means for generating a unique serial number at the recording medium managing apparatus, and at least part of the identification information includes the apparatus information and the serial number (Fig. 4, element 115; Paragraph [0041]).

In regards to claim 3, Mikawa discloses the recording medium managing apparatus according to claim 1, wherein, the identification information supplying means includes character string inputting means for inputting a predetermined character string, and at least part of the identification information includes the character string input by the character string inputting means (Fig. 4, 117; Paragraph [0041], ID includes TOD which is a character string).

In regards to claim 4, Mikawa discloses the recording medium managing apparatus according to claim 1, wherein, the third area on the recording medium stores an index file including the attribute information (Fig. 6), and the recording medium readout means reads out the attribute information from the index file and updates the management information of the management information storing means (Fig. 4, element 409 stores the management information to be readout 411 and update in the database unit 405).

In regards to claim 5, Mikawa discloses the recording medium managing apparatus according to claim 1, further comprising: menu generating means (Fig. 4, element 415) for generating a menu displaying the attribute information of content items

of the recording medium on the basis of the management information stored in the management information storing means (Figs. 6 and 7; Paragraph [0111]).

In regards to claim 6, Mikawa discloses the recording medium managing apparatus according to claim 5, further comprising: character string inputting means for inputting a predetermined character string; and name conversion information storing means for storing name conversion information linking the identification information and a character string input by the character string inputting means (Paragraph [0102]), wherein, the recording medium writing means updates the name conversion information of the name conversion information storing means when writing the identification information in the second area (Paragraph [0103]), and the menu generating means displays a character string together with the attribute information, the character string being linked to the identification information of the recording medium by the name conversion information (Paragraph [0111]).

In regards to claim 7, Mikawa discloses the recording medium managing apparatus according to claim 5, further comprising: instruction inputting means for assigning the content item to be played using the menu, wherein the recording medium readout means reads out the content item if the recording medium storing the assigned content item is loaded (Paragraph [0119]).

In regards to claim 8, Mikawa discloses the recording medium managing apparatus according to claim 7, further comprising: network connecting means for communicating with a network connecting another recording medium managing apparatus (Fig. 4, apparatus 100 and 400 is connected by I/O interface), wherein, if the

recording medium storing the assigned content items is not loaded, the recording medium readout means inquires the other recording medium managing apparatus through the network connecting means whether or not the recording medium is loaded (Fig. 3) and, if the recording medium is loaded into the other recording medium managing apparatus, the recording medium readout means requests the transmission of the assigned content item (Fig. 3, step 317 the file is update).

In regards to claims 9 and 15, Mikawa discloses the recording medium managing apparatus according to claim 1, further comprising: content-supplying means for supplying a content item; suspended-content-storing means for storing a content item suspended from being written in a recording medium (Fig. 4, element 409); and suspension information storing means for storing suspension information linking identification information of a recording medium that is the recording destination of the suspended content item and attribute information of the suspended content item (Paragraph [0085]), wherein, if the recording medium that is the recording destination of the content item supplied from the content-supplying means is not loaded, the recording medium writing means stores the supplied content item in the suspended-content-storing means and updates the suspension information of the suspension information storing means (Paragraph [0086]).

In regards to claims 10 and 14, Mikawa discloses the recording medium managing apparatus according to claim 9, wherein the recording medium readout means detects suspension information including the identification information read out from the second area from the suspension information storing means (Fig. 4, element

411), and the recording medium writing means records the suspended content item stored in the suspended-content-storing means on the recording medium on the basis of the attribute information included in the detected suspension information and updates the management information of the management information storing means (Paragraphs [0096-[0099]).

In regards to claim 11, Mikawa discloses the recording medium managing apparatus according to claim 10, further comprising: network connecting means for communicating with a network connecting another recording medium managing apparatus (Fig. 4, elements 100 and 400), wherein the recording medium readout means inquires the other recording medium managing apparatus through the network connecting means whether or not the other recording medium managing apparatus stores the suspension information including the identification information read out from the second area (Fig. 4, element 409) and, if the suspension information is stored in the other recording medium managing apparatus (Paragraph [0093]), requests the transmission of the suspended content item related to the suspension information to the other recording medium managing apparatus, and the recording medium writing means records the suspended content item transmitted from the other recording medium managing apparatus or the recording medium and updates the management information of the management information storing means (Paragraphs [0097]-[0099]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH T. NGUYEN whose telephone number is (571)272-5513. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thang V. Tran/
Primary Examiner, Art Unit 2627

LN
May 6, 2008